

**CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS**

**CITY COUNCIL MEETING**

**MINUTES**

**May 12, 2009**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, May 12, 2009, at 7:00 p.m., in the Clearwater City Council Chamber, City Hall, 129 E. Ross Avenue, Clearwater, Kansas.

The following members were present: Mike Justice, Mayor, Mike York, Lyle Berntsen, Jim Whitney, Sandi Keeler, and Jim Frischenmeyer, Council Members. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; Jodi McBee, Deputy City Clerk; and Janet Amerine, City Attorney. Others present at the meeting were Ernie Misak, Clearwater Public Works; Donald Schauf, Clearwater EMS; Marvin Schauf and Mary Schauf, Clearwater Fire Department; Greg Welch and Zach Vaughn, Clearwater High School Government students.

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Mayor Mike Justice called the meeting to order at 7:00 p.m. Justice gave the invocation, which was followed by the Pledge of Allegiance. The Clerk called the roll to confirm the presence of a quorum.

**1. Approval of the Minutes of the Regular Meeting of April 28, 2009**

**MOTION:** Council Member York made a motion to approve the minutes of the meeting. The motion was seconded by Council Member Berntsen and passed unanimously.

**2. Mayor's Recommendations**

There were no appointments or resignations.

**3. Public Forum**

Donald Schauf requested the City repair an area of sidewalk at the northwest corner of First and Ross. As the sidewalk approaches the street, there is a low spot that holds water and mud. Mayor Justice stated Public Works would take a look at the area.

#### **4. Department Head Budget Requests for 2010**

EMS Director Donald Schauf stated that he and Fire Chief Marvin Schauf would like to have cell phones to use as business phones so they would not have to use their home phones or messages wouldn't have to be left at City Hall or the EVS building. Cost estimate for the phones is \$800. Schauf also requested going to computerized patient care forms. Currently, everything is done on paper. Dr. Papish, the EMS Medical Director, has requested they go to digital and Sedgwick County is getting ready to switch to computerized patient care records. Schauf stated he has priced a Panasonic Toughbook at \$3600 and the internet access for the laptop at \$960. Schauf stated he has looked into reporting software and it is expensive. Schauf stated he spoke to the Sedgwick County EMS Director and he is willing to let Clearwater EMS get on the software system with Sedgwick County. Then, the County would pass along the per call charge they receive to Clearwater with no additional fees. Schauf's next request is for ejectable electrical plugs. The ambulance has to be plugged into electricity when it is not being used to keep equipment charged. The electrical cords they use now have to be manually removed from the ambulance. Sometimes volunteers forget to unplug the ambulance before leaving the station and the plugs get run over. The ejectable plugs cost \$1,200 for supplies, equipment, and installation. Schauf's last request is for a Public Relations budget of \$700 to purchase items to handout such as first aid cards, coloring books, and stickers.

Fire Chief Marvin Schauf stated that many of their air bottles are outdated. Replacement cost is \$5,216. Next request is for a low flow strainer for \$300. The 2009 budgeted money for new fire hose was used for the pole for the new siren. Schauf requested \$2,740 for 500 feet of 1 ½ inch and 2 ½ inch fire hose. Schauf stated the Fire Department currently only has one set of forcible entry tools on the squad truck. Two additional sets of forcible entry tools for Engines 1 and 2 are \$880. Schauf stated he would like to purchase a 2-½ inch single gate valve at \$170 to help water flow faster. Schauf stated they have had additional volunteers come on this year and they are using used bunker gear. Purchasing 5 new sets would cost \$8,050. With additional volunteers, the Fire Department also needs 2 more portable radios with a cost of \$1,200. The last item Schauf requested is 4 new Pass devices at a cost of the devices is \$640.

Public Works Director Ernie Misak stated many of his budget requests were items that are budgeted for on an annual basis, such as electronic water meters \$10,000, the sewer cleaning \$12,000, and the maintenance agreement for the water tower \$6,500. Misak stated that many of the fire hydrants in town don't have valves. Misak stated he would like to continue to replace at least two per year until they have all been replaced. Replacing two valve/hydrants is a cost of \$8,000. Misak requested to purchase a larger horsepower tractor to replace the 2155 John Deere at the previous meeting. Misak stated he would like to include that request in the 2010 budget for \$30,000. The next request is for work tools in the amount of \$1,000. Misak stated the only portable generator the City has is an old hand crank generator. Misak requested a portable generator/welder in the amount of \$6,000. Misak stated that the piping at well #6 is corroded and needs replaced. Replacement cost is

\$8,000. Misak stated that the water study suggested laying 6-inch water line along either Hellar or Kansas. Misak stated that he would suggest laying the water line from Second to Lee on Kansas and install fire hydrants because of the proximity of the schools. Misak stated he doesn't have a price for that project yet. Misak's next request is to add an aerator to wastewater lagoon cell #4. Misak stated there have been some issues with the total suspended solids and BOD levels coming out of the sewer ponds. Misak stated the fish were removed and a barley rope is being installed. If those don't work in relieving the issues, then the aerator would be the next step at a cost of \$5,000. The last request is to paint the bottom of the swimming pool at \$3,000.

City Administrator Brown stated the Police Departments budget requests have been hard to put together since Chief Demars is on medical leave. Brown stated that the two main issues with the Police Department is the switch over to 900-megahertz radios and a purchase of another computer for a patrol car.

City Administrator Brown reviewed 2010 expected revenues. Brown stated that property tax revenue would remain flat. Sales tax is starting to trend downward, but it is not troubling yet. Water and sewer rates were increased last year. Revenue improvements have been noted, but more so on the sewer side than the water side. The State Legislature budget cuts are affecting City's budget. The M & E slider payment that was to come to adjust for property taxes has been taken away, the liquor tax for parks has been taken away, and there will be no LAVTR payments.

City Administrator Brown reviewed budget requests for the general fund. The administration budget would include a payment on the land for the business park, money for economic development, continuing the rehab of City Hall, and work toward implementing the Community Shelter. Public works budget has included money for drainage projects in the northwest part of town. The Park budget could include a lease payment for the Sports Complex lighting, improvements to City Park, additional items for the new skate park, bleacher replacement, and shade structures for athletic facilities. The pool's motorized cleaning system needs to be replaced or maintained. A budget for sidewalk along 4<sup>th</sup> street is an item that has been discussed in previous budgets. Brown stated that there are continued increases in costs for employee benefits that need to be addressed in the 2010 budget.

**5. Public Works Request to Purchase One-Ton Dump Truck**

Public Works Director Misak stated he had discussed at a previous Council meeting that he was interested in a replacement dump truck. He has found a 2001 Ford 1-ton dump truck with a hydraulic lift with 37,200 miles that is available for \$12,500. Misak stated that this vehicle is for sale locally and it may be the best deal available in the area. Council directed Misak to come to the next Council Meeting with a spec sheet with a firm bid for the 2001 Ford dump truck. Mayor Justice asked what Misak planned to do with the old dump truck. Council Member Whitney suggested taking it to auction.

**6. Appointments**

Mayor Justice read the appointments for the paid employees by department and the commissions and boards. The Council gave consensus after each individual department was read.

**Administrative:**

Kent A. Brown, City Administrator  
City Ordinance No. 466 and Section 2.10 of Codified Code and  
K.S.A. 15-204

Cheryl S. Wright, City Clerk  
K.S.A. 15-204

Jodi McBee, Deputy City Clerk  
K.S.A. 15-204

Norma Leabo, Treasurer  
City Ordinance No. 1 and Section 2.12.010 of Codified Code and  
K.S.A. 15-204

Janet Amerine, City Attorney & Firemen's Relief Association Attorney  
K.S.A. 15-204

Catherine Zigtema, City Prosecuting Attorney

Carol Reitberger, Receptionist/Clerical (PT)

Carl Shaffer, Community/Senior Center Director

Rebekah Zook, Joint Employee Clearwater Recreation and City of Clearwater

**Police Department:**

City Ordinance No. 471 and Sections 2.16.010 through 2.16.030 of Codified Code and  
K.S.A. 15-204

Kim Demars, Police Chief	Jeremy Watts, Police Officer (PT)
Jason Gearhardt, Sergeant	Roy Riggs, Police Officer (PT)
Clint Luckner, Police Officer/Investigator	Sean Zernickow Police Officer (PT)
Keith Kuhns, Police Officer	
Gene Garcia, Police Officer, Acting Chief	
Shawn Clem, Police Officer	

Beverly Jo Johnson, Court Clerk

K.S.A. 15-204

Becky L. Hurtig, Municipal Judge  
City Ordinance 383 or Section 1.20.010 of Codified Code and K.S.A. 12-1109

Ron Lambert, Animal Control Officer  
City Ordinance 6 or Section 7.08.020 of Codified Code

**Public Works Department:**

Ernie Misak, Public Works Director  
Kevin Bush, Public Works  
Jim Vulgamore, Public Works  
Mike Weakley, Public Works  
Michael Shane Baker, Public Works

Kenny Hughes, Dump Coordinator (PT)  
John Mishler, Dump Coordinator (PT)

**Court Appointed Attorneys:**

Roger Batt                      Russell Mills                      Arlene Burrows

**Planning Commission**

City Ordinance No. 274 and Section 2.32.020 of Codified Code and K.S.A. 12-701 To 12-715b

George Rudy    2009 – 2012 City

**Public Building Commission**

City Ordinance No. 778 and K.S.A. 12-1757

Jeanne Long    2009 – 2013

**Historical Society**

Aileen Lauterbach                                      2009 – 2013  
Les Langston    2009 - 2013  
Charles Becker    2009 - 2013

**Emergency Volunteer Services:**

City Ordinance No. 339 and Section 2.24.010 of Codified Code and K.S.A. 31-145 and K.S.A. 80-1501

1. Marvin Schauf, Fire Chief
2. Gary Berger, Asst. Fire Chief and Chief Fire Investigator\*
3. Kurtis Lauterbach, Asst. Fire Chief
4. Donald Schauf, Lieutenant Training\*\*\*
5. Jared Dinwiddie, Lieutenant, Training \*
6. Karen Matzen, Lieutenant, Safety\*
7. Phillip Sturchio, Disaster Management,  
City Ordinance No. 472 and Section 2.25.010 of Codified Code
8. Mary Schauf, Dispatcher
9. Lisa Berntsen, Dispatcher

**Fire Fighters:**

Bruce Berntsen, Capt. Operation

Mark Reibenspies\*

Greg Kennard

Roger Dawson, Capt. Safety\*

Adam Pelz

Carl Fry, Capt. Operations

Tim Hastings

Hank Pate

Christopher Atwater\*\*\*

Gerald Ready

Brian Schauf

Todd Phillips

Mike Weakley

Gabby Simon\*\*\*

Darin House

Chad Sterrett

Kyle Berger

Matt Youngers

Bill Kenney

Kyle Matthews

Justin Patrick

Heath Davis

Jim Kendrick

Jordan Ford

Josh Riley

Jeremy Clymer \*EMT

Jason Templin \*\*\*EMICT

Jerad Schneider, Cadet

**Emergency Medical Technicians (EMT)**

- |                                      |                             |
|--------------------------------------|-----------------------------|
| 1. Donald Schauf, Director MICT, TO2 |                             |
| 2. Roger Dawson, Instructor          |                             |
| 3. Hank Pate                         | 14. Esther Vanley, EMT-B4.  |
| 4. Jessica McNulty                   | 15. Bill Kenney EMT-B       |
| 5. Lisa Corr                         | 16. Rhonda Barber EMT-B     |
| 6. Jared Dinwiddie                   | 17. Thomas C. Bodwell, MICT |
| 7. Allan Keiss                       | 18. Josh Riley              |
| 8. Christopher Atwater, MICT         | 19. Reece Pulliam           |
| 9. Karen Matzen, Asst. Director      |                             |
| 10. Greg Kennard                     |                             |
| 11. Gabrielle Simon, MICT            |                             |
| 12. Janet Schauf                     |                             |
| 13. Mike Snyder, MICT                |                             |

**7. Update on Meeting with Don Paddock on Compliance with the Virginia Graeme Baker Act (VGBA) at the Aquatic Center**

City Administrator Brown stated Don Paddock had been to the Aquatic Center to review compliance with the Virginia Graeme Baker Act (VGBA). Paddock confirmed the sizing and the price for the protective grates required by the act he had previously quoted. A sentence in the contract that reads, “If it is determined that this will not meet the intent of the law, the proposed cost does not include any work necessary to accomplish this”, was clarified by Paddock. Paddock stated that he would back any work that he had accomplished, but any additional work that needed to be done to comply with VGBA would not be in the current price. Brown stated that staff has discovered that an engineering certificate is not a requirement of VGBA, which Paddock confirmed. Brown stated that after researching other alternatives to spending over \$10,000 with Paddock, he and Public Works Misak are recommending Public Works order and install the required grates. Misak stated an estimated cost of the City installing the grates themselves would be \$2,000. Council Member Whitney asked if these grates would be something where someone could get hurt. Misak stated that the grates aren’t in places easily reached. Misak continued that part of the legislation is that the grates have to protrude from the wall so a body could not totally block the suction mechanism. City Attorney Amerine stated that the City is making a good faith effort in installing the grates. Council gave consensus to have Public Works install the grates at the Aquatic Center.

**8. Aquatic Center Staff for 2009**

Mayor Justice stated the following staff members need to be approved for hire.

**MANAGER**  
**CHUCK REITBERGER**

**ASSISTANT MANAGER**  
**MAUREEN WHALEN(WSI)**

**LIFEGUARDS**  
**ABBEE WIDLER (WSI)**  
**KATIE REITBERGER**  
**CODEE WIDLER (WSI)**  
**JORDAN MILLS**  
**TYLER SPENCER**  
**KACI WELLS**  
**ALLISON REITBERGER(WSI)**  
**DYLAN SPENCER**  
**MORGAN KENNEY(WSI)**  
**DANIELLE BROWN**  
**LEXIE FORSYTHE**  
**MEGHAN WHALEN**  
**MARIAH PETERSEN**  
**LAUREN KENNEY**  
**ZACH TERWORT**  
**GRANT REICH**  
**JENNIFER CALDERON (WSI)**

**BASKET ROOM ATTENDANTS**

**MICHAEL PURDOM**  
**RYAN YOST**  
**KARSEN WOHLER**  
**TANNER RINK**  
**BRETT GORGES**

Council Member Frischenmeyer suggested making the Aquatic Center staff aware of the steps the City has taken in complying with the Virginia Graeme Baker Act.

**MOTION:** Council Member Frischenmeyer made a motion to approve the listed staff members for the Clearwater Aquatic Center 2009 season. Council Member Keeler seconded the motion and it passed unanimously.

9. **Proposal from Voornaam Pyrotechnics to Shoot the July 4<sup>th</sup> Fireworks Show**

City Administrator Brown stated the Voornaam Pyrotechnics has shot the July 4<sup>th</sup> fireworks show for the City for several years. The price is \$5,000, which the City pays for from the fees charged for fireworks stands.

**MOTION:** Council Member York made a motion to approve the proposal from Voornaam Pyrotechnics to shoot the July 4<sup>th</sup> Fireworks Show at a cost of \$5,000. Council Member Berntsen seconded the motion and it passed unanimously.

10. **Resolution for Granting Ad Valorem Tax Abatements as an Incentive for Business Development**

City Administrator Brown stated that the resolution for granting ad valorem tax abatements as an incentive for business development is for initial review. The City has not previously had a tax incentive policy in place. Mayor Justice stated in the past, Council has wanted to review tax abatement requests as they come instead of having a policy in place. Justice stated that after meeting with the Greater Wichita Economic Development Council (GWEDC), he sees that it is better to have a tax abatement policy in place so businesses know your policy up front. Brown and City Attorney Amerine reviewed the resolution, which includes the criteria and conditions for granting an exemption, the application details, the approval process, and the follow-up for tax abatements. Council agreed it is good to have a standard policy and directed staff to send the agreement to GWEDC for their review.

11. **Proposal From Ground Water Associates, Inc. for Water Rights Information**

City Administrator Brown stated that the Council had requested a proposal from Ground Water Associates, Inc. to assist the City in obtaining more water rights. Harlan Foraker presented the water study at the last meeting and suggested using Ground Water Associates to help research what it would take for the City to get more water rights at its

existing wells. This initial proposal is to research the City's current water rights and provide alternatives to acquire additional water rights. The charges for service are \$100 per hour or \$600 per day plus expenses at cost. The charges are estimated to be in the \$4,000 to \$5,000

range.

**MOTION:** Council Member Whitney made a motion to approve the proposal with Ground Water Associates, Inc. for water rights research. Council Member Berntsen seconded the motion and it passed unanimously.

## 12. **Reports**

City Clerk Wright stated she has received a bill from the Sedgwick County Election Commission for the April election. Since there was not a full County election, just school districts and cities, the school districts and cities had to pay for the elections. The cost is based on the number of register voters within the City.

City Clerk Wright asked Council how they would like to work in the planning session at the next meeting. Council agreed to schedule the Council Meeting for 5:30pm on May 26<sup>th</sup> and have the planning session immediately afterwards.

City Administrator Brown stated Nowak Construction completed the sewer project. They are air testing the lines and hauling dirt this week. There is still some cleanup work to be done.

City Administrator Brown stated the new storm siren at the Sports Complex should be installed in a week or two.

City Administrator Brown state he has spoken to Verizon Wireless regarding the cell phone tower to be placed in the northwest corner of town. The conditions are too wet to begin. The landowner issue regarding the service drive has been resolved.

City Administrator Brown stated that he has been meeting citizens regarding the equipment at the skate park. Equipment and design has been agreed upon. The concrete will be poured, weather permitting, this week. Brown reviewed the design with Council.

City Administrator Brown stated the generator referred to the City by the service man from Cummins is still available from Blick's Phosphate Conversions, LLC. Blick's stated they would sell the 2005 Cummins/Onan 150kw diesel generator with 13,000 hours for \$12,000. This generator would be used at the EVS building to make the building a community shelter during storms. Council Member Whitney stated that a new 150kw generator is over \$35,000. After a brief discussion, Council directed staff to offer Blick's \$9,000 for the generator.

Council Member York stated that the property on north First that needed the yard cleaned that discussed at last meeting has been cleaned. York also mentioned that the property at Park and Tracy previously discussed has not been picked up. City Attorney Amerine stated the next step for that property would be to bring a nuisance resolution to a Council Meeting, then the home owner would have 10 days to cleanup.

Council Member Whitney stated some residents requested some mulch be placed under the playground equipment at the park. City Administrator Brown stated he has applied for a grant to get some shredded tire material under the small playground equipment.

Mayor Justice stated that he would like to recognize city staff during official recognition weeks such as National Law Enforcement Week. Council directed staff to purchase some goodies for the police department per shift in recognition of National Law Enforcement Week. Council agreed to recognize other staff members during special recognition times during the year.

City Administrator Brown stated that the Sedgwick County Department on Aging has recommended the Clearwater Senior Center to up to the next senior center level. At the current level, the Senior Center receives \$5,000. If they go up to the next level, they would receive \$18,000.

**13. Executive Session-Personnel**

**MOTION:** At 9:55, Council Member Berntsen made a motion to enter into executive session for 5 minutes for personnel reasons. Council Member Whitney seconded the motion and it passed unanimously.

At 10:00, Council returned to regular session with no action taken.

**14. Adjournment**

**MOTION:** Being no further discussion to come before the Council, Council Member Keeler moved for adjournment. The motion was seconded by Council Member Berntsen and passed unanimously.

**CERTIFICATE**

State of Kansas        }  
County of Sedgwick    }

City of Clearwater }

I, Jodi McBee, Deputy City Clerk of the City of Clearwater, Sedgwick County, Kansas, hereby certify that the foregoing is a true and correct copy of the approved minutes of the May 12, 2009 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 26<sup>th</sup> day of May, 2009.

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Jodi McBee, Deputy City Clerk